

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Boucher et al.
Serial No.: Unknown
Filed: 23 February 2004
For: Expandable Structures for Deployment in Interior Body Regions

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN
THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION
(37 CFR 1.97(b))**

NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in S 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to S 1.71 and at least one claim pursuant to S 1.75; and (2) any drawing required by S 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by S 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. S 371(c) within the periods set forth in S 1.494 or S 1.495. 35 U.S.C. S 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

**IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION
DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed WITHIN THREE MONTHS OF THE FILING DATE OF THE APPLICATION OR DATE OF ENTRY INTO THE NATIONAL STAGE OF AN INTERNATIONAL APPLICATION OR BEFORE THE MAILING DATE OF A FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURS LAST. 37 CFR 1.97(b).

NOTE "NO CERTIFICATION OR FEE IS DUE WHEN THE FILING IS MADE WITHIN THE ABOVE TIME PERIOD. IT IS ADVISABLE TO ENSURE THAT NO OFFICE ACTION HAS BEEN MAILED IF THE DISCLOSURE STATEMENT IS DELAYED UNTIL AFTER THREE MONTHS FROM FILING.

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

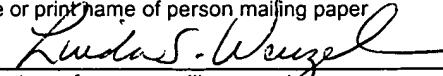
CERTIFICATE OF MAILING (37 CFR 1.8(a)) or (37 CFR 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below as Express Mail Label No. EV 318693040 in an envelope addressed as follows: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Linda S. Wenzel

Type or print name of person mailing paper

Date: 23 February 2004


(Signature of person mailing paper)

- NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- WARNING: "A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima face* prior art reference against the claims of the present application.

COPIES OF THE DOCUMENTS LISTED ON THE ATTACHED FORM PTO-1449 CAN BE FOUND IN THE FILE WRAPPER OF PARENT APPLICATION SERIAL NO. 09/595,963 FILED 19 JUNE 2000 AND ARE THEREFORE NOT INCLUDED WITH THIS SUBMISSION.

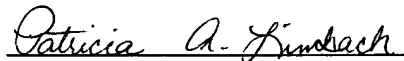
Should any fees be necessary in connection with this submission, please charge same to Account No. 06-2360.

Date 23 February 2004

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LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)	ATTY DOCKET NO. 1759.15103-CIP 2 DIV	SERIAL NO. Unknown
	APPLICANT Boucher et al.	
	FILING DATE 23 February 2004	GROUP Unknown

U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	2,849,002 *	26 Aug 58	Oddo			
	3,154,077 *	27 Oct 64	Cannon			
	3,640,282 *	08 Feb 72	Kamen et al.			
	3,648,294	Mar 72	Shahrestani			
	3,850,176	Nov 74	Gottschalk			
	3,889,685 *	17 Jun 75	Miller Jr. et al.			
	4,327,736 *	04 May 82	Inoue			
	4,848,344 *	18 Jun 89	Sos et al.			
	4,983,167 *	08 Jan 91	Sahota			
	5,295,994	Mar 94	Bonutti			
	5,352,199 *	04 Oct 94	Tower			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this of with next communication to applicant.

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Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (if Appropriate)
	5,415,635 *	16 May 95	Bagaoisan et al.			
	5,587,125 *	24 Dec 96	Roychowdhury			
	5,766,151 *	Jun 98	Valley et al.			
	5,938,582 *	17 Aug 99	Ciamacco et al.			
	6,066,154 *	23 May 00	Reiley et al.			
	6,379,373	Apr 02	Sawhney et al.			
	6,383,212	May 02	Durcan et al.			

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	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
	0 135 990 *	26 Sep 90	EP			
	0 274 411 *	13 Jul 88	EP			
	0 318 919 *	19 Jan 94	EP			
	0 355 937 *	29 Nov 95	EP			
	0 362 826 *	28 May 97	EP			
	0 383 794	08 Jun 94	EP			
	0 410 072 *	30 Jan 91	EP			
	0 420 488 *	21 Jul 93	EP			
	0 436 501 *	21 Apr 93	EP			
	0 439 202 *	29 Sep 93	EP			

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		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
		0 531 117 *	08 Jan 97	EP			
		0 566 684	18 Jun 97	EP			
		0 592 885 *	30 Sep 93	EP			
		0 597 465 *	20 Sep 88	EP			
		0 713 712 *	29 May 96	EP			
		0 730 879 *	11 Sep 96	EP			
		0 779 062 *	18 Jun 97	EP			
		0 826 395 *	04 Mar 98	EP			
		0 834 293 *	08 Apr 98	EP			
		WO 89/02763 *	1989	PCT			
		WO 91/17788 *	28 Nov 91	PCT			
		WO 92/11892 *	1992	PCT			
		WO 92/19440 *	12 Nov 92	PCT			
		WO 94/02197 *	03 Feb 94	PCT			
		WO 95/20362 *	03 Aug 95	PCT			
		WO 95/22367 *	24 Aug 95	PCT			

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FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
	WO 96/04951 *	22 Feb 96	PCT			
	WO 96/12516 *	02 May 96	PCT			
	WO 97/03716 *	06 Feb 97	PCT			
	WO 97/17098 *	15 May 97	PCT			
	WO 97/17099 *	15 May 97	PCT			
	WO 97/40877 *	06 Nov 97	PCT			
	WO 98/03218 *	29 Jan 98	PCT			
	WO 98/56301	1998	PCT			

OTHER PRIOR ART *(Including Author, Title, Date, Pertinent Pages, Etc.)*

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Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (if Appropriate)
	D439,980	3 Apr 01	Reiley et al.			
	4,917,088	17 Apr 90	Crittenden			
	5,102,390	07 Apr 92	Crittenden et al.			
	5,104,376	14 Apr 92	Crittenden			
	5,108,404	28 Apr 92	Scholten et al.			
	5,827,289	27 Oct 98	Reiley et al.			
	5,972,015	26 Oct 99	Scribner et al.			
	6,048,346	11 Apr00	Reiley			
	6,235,043	22 May 2001	Reiley			
	6,241,734	05 Jun 01	Scribner et al.			
	6,248,110	19 Jun 01	Reiley et al.			

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	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
	WO 01/28439	26 Apr 01	PCT			
	WO 01/76514	18 Oct 01	PCT			
	WO 96/39970	19 Dec 96	PCT			
	WO 99/29246	17 Jun 99	PCT			
	WO 99/37212	29 Jul 99	PCT			

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	4,261,339	4/1981	Hanson et al.			
	4,292,974	10/1981	Fogarty et al.			
	4,338,942	7/1982	Fogarty			
	4,402,307	9/1983	Hanson et al.			
	4,467,790	8/1984	Schiff			
	4,531,512	7/1985	Wolvek et al.			
	4,969,888	11/1990	Scholten et al.			
	3,779,239	12/1973	Fischer et al.			
	5,741,282	4/1998	Ansach, III et al.			
	5,500,181	3/1996	Wang et al.			
	5,163,989	11/1992	Campbell et al.			

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	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
	WO 99/51149	14 Oct 99	PCT			
	WO 99/62416	09 Dec 99	PCT			

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